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PATENT
ATTORNEY DOCKET NO.: 040894-5995

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Toshiaki FUKUI) Confirmation No.: 3100
Application No.: 10/761,198) Group Art Unit: 2655
Filed: January 22, 2004) Examiner: Unassigned
For: OPTICAL DISC APPARATUS)

U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

The listed document was cited in an Office Action issued on March 22, 2005 in a corresponding Japanese application. A copy of the listed document is attached.

Applicant respectfully requests that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art." If it should be determined that the listed document does not constitute "Prior Art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



By:

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Dated: June 30, 2005

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